



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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February 3, 2011

IN REPLY PLEASE  
REFER TO FILE: **AS-0**  
**A3535**

TO: Each Supervisor

FROM: Gail Farber *Gail Farber*  
Director of Public Works

**BOARD MEETING OF JANUARY 4, 2011  
PUBLIC COMMENT REVIEW AND RESPONSE  
ELEMENTARY SCHOOL ENVIRONMENTAL EDUCATION PROGRAM (2009-AN002)**

We have reviewed the transcript of Mr. Paul Hahn who represented the Wildlife Learning Center and addressed the Board during the Public Comment Session on January 4, 2011. The Wildlife Learning Center (WLC) made numerous assertions; the Department of Public Works responses are indicated below.

**1. Mr. Hahn is requesting the Board to initiate a County Review Panel for the Environmental Education Request for Proposal (2009-AN002).**

We notified all responsive Proposers over the phone on the morning of December 27, 2010, that the Request for Proposal (RFP) would be rejected/canceled. On January 12, 2011, a letter was sent to all Proposers and all attendees of the Proposers' Conference informing them that it is in the best interest of the County to reject any and all proposals. Due to the rejection of the RFP, Public Works cannot continue with the protest process; therefore, we cannot request a County Review Panel be convened in accordance with Board Policy 5.055, Services Contract Protest Policy. In the RFP, Part I, Section 3 indicates that the right is reserved to reject any or all proposals that, in the judgment of the Board or Director, are not in the best interests of the County/Public Works/Special Districts.

**2. Mr. Hahn submitted a Contractor Selection Review Protest (Protest) to this RFP on July 19, 2010, and asserted that he has received no response to date. He also asserted that a written decision of the Protest shall be provided within a reasonable time, and he has received no substantive information in the last 172 days.**

Although Public Works did not provide a final response to WLC's Protest due to the rejection of all proposals, we have been in contact with Mr. Hahn of WLC on a periodic basis. Below is a brief chronology showing the progress of the WLC Protest to cancellation.

- 06/28/10 – Notice of Intent to Request a Proposed Contractor Selection Review submitted to Public Works with a request for a copy of The Rogers Group's (highest-rated Proposer) evaluation documents and proposal.
- 07/08/10 – Public Works sent WLC a copy of the highest-rated Proposer's evaluation documents and proposal.
- 07/19/10 – WLC submitted a Protest containing a 23-page protest document outlining its concerns regarding Public Works' evaluation of the proposals.
- 07/20/10 through 12/22/10 - Public Works worked with County Counsel to review and respond to WLC's 23-page protest document, which listed 54 separate assertions with multiple allegations per assertion. During this time, Public Works provided updates to Mr. Hahn regarding the status.
- 12/23/10 – At the end of the Protest review, Public Works and County Counsel identified areas that could be enhanced and improved in the solicitation document and discussed rejection of all proposals.
- 12/27/10 – Public Works called all responsive Proposers in the morning, including Mr. Hahn, to inform them that we decided to reject/cancel all proposals.
- 01/12/11 – Public Works e-mailed a Rejection of Proposals letter to all vendors who attended the Proposers' Conference, including all Proposers.

**3. Mr. Hahn asserted that the selected incumbent Contractor submitted a nonresponsive and "grossly deficient" proposal.**

The Rogers Group was the last Contractor for this service. Service expired in April 2009; therefore, there is no incumbent Contractor for this service. All Proposers must pass an initial review to ensure all of the minimum requirements are met before moving on to the evaluation process. The proposal submitted by The Rogers Group met all of the minimum requirements and was found to be responsive, which made the proposal eligible to be evaluated. The evaluators reviewed the proposal in accordance with Board Policy 5.054, Evaluation Methodology for Proposals, utilizing the informed averaging methodology and found them to be the highest-rated Proposer.

4. **Mr. Hahn asserted that several of the evaluators showed a clear bias toward the incumbent Contractor, and some of the initial scores were changed to their favor.**

Upon review of the Protest submitted by WLC and after conducting an in-depth analysis of the evaluation documents, Public Works, in conjunction with County Counsel, determined that there was no evidence of any bias amongst any of the evaluators for or against any of the Proposers. Changes in the scores were made in compliance with Board Policy 5.054.

5. **Mr. Hahn asserted that "an unbiased evaluation by a County Review Panel will clearly show that this was not simply a matter of evaluators' subjectivity...we asked that a County Review Board reevaluate the need to cancel this procurement and consider simply negotiating any changes with the winner of the current proposal or the RFP."**

In conformance with Board Policy 5.055, Public Works cannot continue with the protest process due to the rejection of the RFP; therefore, we cannot request to convene a County Review Panel. The contracting department is the entity who can request to convene a County Review Panel; the role of the County Review Panel is to review the allegations of the Protest and decide whether any errors were made by the contracting department during the evaluation process. The County Review Panel does not independently reevaluate proposals, recommend award of a contract to a particular Proposer, change the winning proposer, reverse the decision of the department to cancel an RFP, or negotiate any changes with the winning proposer.

6. **Mr. Hahn asserted that Public Works circumvented the protest process by canceling the RFP.**

Public Works did not circumvent the protest process by canceling the RFP. As a result of the Protest review, Public Works identified areas that could be enhanced and improved in the solicitation document, which will be reflected in the future RFP, including clarifications to the scope of work and the introduction of price as an evaluation category, which will allow for the Local Small Business Enterprise preference. As a result, on January 12, 2011, a letter was sent to all Proposers and all attendees of the Proposers' Conference informing them that it is in the best interest of the County to reject any and all proposals as provided in the RFP, Part I, Section 3.

7. **Mr. Hahn asserted that reprourement would give the incumbent Contractor a second chance to submit a responsive proposal.**

All vendors will have an equal opportunity to submit a proposal in response to the new RFP.

8. **Mr. Hahn asserted that a resolicitation of this RFP would be unfair to their small business, as they spent nearly \$100,000 on the initial effort.**

The decision to respond to an RFP is at the discretion of any business. The RFP clearly indicated this risk in Part I, Section 3, which states that the County will not be liable for any costs incurred in connection with the preparation of the proposal.

9. **Mr. Hahn asserted that he did not receive the requested copies of evaluation documents.**

Public Works sent WLC the highest-rated Proposer's proposal and evaluation documents on July 8, 2010. WLC also requested the evaluation documents for its own proposal; however, in compliance with Board Policy 5.055, Public Works was unable to release the requested documents until a County Review Panel was scheduled. As a result of the cancellation of this RFP and at the direction of County Counsel, WLC's evaluation documents were sent to Mr. Hahn on January 25, 2011.

Public Works is currently preparing a resolicitation of this service, which will be released in the near future. Public Works will inform WLC when the RFP is released to the public so they may respond to the solicitation if they are interested. All vendors will have an opportunity to submit a new proposal.

If you have any questions regarding this matter, please call me or your staff may contact Ghayane Zakarian of our Administrative Services Division at (626) 458-4078.

EF

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cc: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office

A3535  
ASD



SACHI A. HAMAI  
EXECUTIVE OFFICER

## COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET, ROOM 383  
LOS ANGELES, CALIFORNIA 90012  
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### MEMBERS OF THE BOARD

GLORIA MOLINA  
MARK RIDLEY-THOMAS  
ZEV YAROSLAVSEY  
DON KNABE  
MICHAEL D. ANTONOVICH

January 5, 2011

TO: Gail Farber  
Director of Public Works

FROM: Sachi A. Hamai  
Executive Officer

SUBJECT: PUBLIC COMMENT REVIEW AND RESPONSE

At the Board of Supervisors' meeting held January 4, 2011, during the Public Comment portion of the meeting, Paul Hahn addressed the Board regarding alleged bias during the Request for Proposals process for selection of a contractor for the Department of Public Works' Elementary School Environmental Education. During the discussion, Supervisor Antonovich requested you to review Mr. Hahn's testimony, and report back to the Board.

Enclosed is a "Request to Address the Board" form filled out by Paul Hahn, and a copy of the transcript to assist you in preparing your report.

SAH:ag

Enclosures

c: Each Supervisor

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**PUBLIC REQUEST TO ADDRESS  
THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, CALIFORNIA**

**Tuesday, January 04, 2011**

MEMBERS OF THE BOARD

GLORIA MOLINA

MARK RIDLEY-THOMAS

ZEV YAROSLAVSKY

DON KNABE

MICHAEL D. ANTONOVICH

**Agenda Number: Public Comment**

**HOA**

	First	MI	Last	Position
Name	Paul		Hahn	Public Comment
Address	801 Appleby Street			Phone (323) 363-0074
City	Los Angeles	State	CA	Zip 90291

**Name of Organization Represented (if applicable)**

Wildlife Learning Center

**Please Provide A Brief Description Of Your Position On This Matter**

January 4, 2011

Paul Hahn



The Preliminary Transcript of the Meeting of  
The Los Angeles County Board of Supervisors

1 >> BUT I'M DEAF BUT CAN SPEAK. MY PROBLEM IS FOR ALL DEAF  
2 PEOPLE GENERAL PROBLEM BECAUSE WHEN WE HAVE OUR APPOINTMENTS,  
3 WE CAN ENTER AND COMMUNICATE SO BEFORE -- AND THEN WE CALL FOR  
4 INTERPRETER. SOME OKAY -- THAT'S OKAY BUT MORE SO WE WHO CAN  
5 SPEAK IN SIGN LANGUAGE BOTH, WE DON'T HAVE ANY PERSON FROM  
6 THERE. SO IMPORTANT TO US FOR SECTION 8 HOUSING BEFORE GIVE,  
7 THEY HAVE ORIENTATION, BUT DEAF PEOPLE, NO. SO LATER BROKE THE  
8 RULES. BOTH THE COUNTY HOSPITAL APPOINTMENT, CALL THE  
9 INTERPRETER, AFTER SIX MONTHS CALLS FROM, HOW? BUT AFTER SIX  
10 MONTHS LATER COME INTERPRETER. NO QUALIFIED INTERPRETER THERE.  
11 YOU UNDERSTAND? AND THEN -- THE INTERPRETER LEFT BECAUSE THEY  
12 DON'T KNOW HOW TO RULE. THEY HAVE COME FROM -- FAIR IS FAIR.  
13 LET THESE DIF DEAF PEOPLE GO -- SO ALL -- FEDERAL OR -- PERSON  
14 AND MORE TTYs THERE BUT "PLEASE LEAVE MESSAGE AND YOUR NAME  
15 AND NUMBER. WE'LL CALL BACK IN 24 HOURS. ". CALL? NO. I WAIT  
16 AND CALL, OKAY? OKAY. THEY FRUSTRATE DEAF PEOPLE. FOR NOTHING.  
17 OKAY. WE WILL TAKE THE TESTIMONY, REFER IT TO THE C.E.O. AND  
18 HE WILL MAKE A REVIEW OF THEIR CONCERNS. YOU'RE WELCOME.

19

20 >> THANK YOU VERY MUCH.

21

22 >> SUP. ANTONOVICH, MAYOR: THANK YOU. PAUL HAHN, JAMES  
23 CLEMSON, JACKIE NUTTING, DAVID KOOIMAN. JUST IDENTIFY YOURSELF  
24 FOR THE RECORD BEFORE YOU SPEAK. YEAH, WE'LL HAND OUT.

25

NOTICE

This transcript was prepared from television closed captioning and is not certified for its content or form.



The Preliminary Transcript of the Meeting of  
The Los Angeles County Board of Supervisors

1 HI, EVERYONE. MY NAME IS PAUL HAHN. I'M A CO-OWNER OF THE  
2 WILDLIFE LEARNING CENTER. AND WE ARE REQUESTING THE BOARD TO  
3 INITIATE A COUNTER REVIEW PANEL ON THE ELEMENTARY SCHOOL  
4 ENVIRONMENTAL EDUCATION PROCUREMENT 2009 AN-002. OUR REQUEST  
5 FOR A PROPOSED CONTRACTOR SELECTION REVIEW WAS SUBMITTED TO  
6 THE PUBLIC WORKS DEPARTMENT ON JULY 19TH, 2010. AND WE HAVE  
7 RECEIVED NO RESPONSE TO DATE. OUR PROTEST WAS PRIMARILY BASED  
8 ON THE FACT THAT THE SELECTED INCUMBENT CONTRACTOR SUBMITTED A  
9 NONRESPONSIVE PROPOSAL. IN ADDITION, SEVERAL OF THE EVALUATORS  
10 SHOWED A CLEAR BIAS TOWARD THE INCUMBENT CONTRACTOR, AND SOME  
11 OF THE INITIAL SCORES WERE CHANGED TO THEIR FAVOR. (AN UNBIASED  
12 EVALUATION BY A COUNTY REVIEW PANEL WILL CLEARLY SHOW THAT  
13 THIS WAS NOT SIMPLY A MATTER OF EVALUATORS' SUBJECTIVITY.) THE  
14 INCUMBENT'S PROPOSAL WAS GROSSLY DEFICIENT IN MEETING THE MOST  
15 FUNDAMENTAL REQUIREMENTS SET FORTH IN THE RFP. BOARD POLICY  
16 5.055 STATES THAT THE DEPARTMENT REPRESENTATIVE SHALL ISSUE A  
17 WRITTEN DECISION TO THE PROPOSER WITHIN A REASONABLE TIME. WE  
18 HAVE RECEIVED NO SUBSTANTIVE INFORMATION IN THE LAST 172 DAYS.  
19 LACKING ANY RESPONSE, WE ADVISED THE DEPARTMENT OF PUBLIC  
20 WORKS ON DECEMBER 13TH, 2010 OF OUR INTENT TO REQUEST A COUNTY  
21 REVIEW PANEL AT THE FIRST AVAILABLE MEETING HERE WITH YOU  
22 BOARD OF SUPERVISORS. ON DECEMBER 26TH, WE WERE VERBALLY  
23 INFORMED THAT THE PUBLIC WORKS DEPARTMENT INTENDS TO CANCEL  
24 THIS PROCUREMENT. THIS ACTION IS CLEARLY INTENDED TO  
25 CIRCUMVENT THE PROTEST PROCESS THAT THEY DEFINED. A

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January 4, 2011



The Preliminary Transcript of the Meeting of  
The Los Angeles County Board of Supervisors

1 REPROCUREMENT WOULD ALSO GIVE THE INCUMBENT CONTRACTOR A  
2 SECOND CHANCE TO SUBMIT A RESPONSIVE PROPOSAL. THIS WOULD BE  
3 UNFAIR TO OUR SMALL BUSINESS, AS WE SPENT NEARLY \$100,000 ON  
4 THE INITIAL EFFORT. (WE ASKED THAT A COUNTY REVIEW BOARD RE-  
5 EVALUATE THE NEED TO CANCEL THIS PROCUREMENT AND CONSIDER  
6 SIMPLY NEGOTIATING ANY CHANGES WITH THE WINNER OF THE CURRENT  
7 PROPOSAL OR THE RFP.) WE WERE ADVISED AT THE DEBRIEFING MEETING  
8 THAT WE WOULD RECEIVE COPIES OF OUR REQUESTS FOR REVIEW. THESE  
9 EVALUATION DOCUMENTS WERE NEVER RECEIVED, EVEN THOUGH WE KEEP  
10 ASKING FOR THEM. PLEASE ASK THE PUBLIC WORKS DEPARTMENT TO  
11 PROVIDE THIS WRITTEN INFORMATION SO WE MAY ADEQUATELY PREPARE  
12 FOR THE COUNTY REVIEW PANEL. THANK YOU VERY MUCH FOR HEARING  
13 OUR REQUEST TODAY. I DO APPRECIATE YOUR TIME AND CONTRIBUTION  
14 TO THIS. THANK YOU.

15

16 >> SUP. ANTONOVICH, MAYOR: THANK YOU, MR. HAHN. LET'S ASK FOR  
17 PUBLIC WORKS ON A REPORT BACK AND ALSO COMPLY WITH REQUESTING  
18 THAT WERE MADE. THANK YOU. YES, SIR.

19

20 GOOD MORNING, MEMBERS OF THE BOARD. MY NAME IS JIM CLEMSON,  
21 I'M A FORMER EMPLOYEE OF THE COUNTY OF LOS ANGELES PUBLIC  
22 ADMINISTRATOR AND A LONG BEACH RESIDENT. I LEFT MY POSITION AS  
23 A DEPUTY PUBLIC ADMINISTRATOR TO AVOID FURTHER DISCIPLINARY  
24 ACTION WHICH I FELT WAS HARASSING. I'M HER AT THE REQUEST OF  
25 MY FORMER COWORKERS TO INFORM YOU THE CONDITIONS THAT I WORKED

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